

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Anthony Brodzki,)	
)	
Plaintiff,)	ORDER OF DISMISSAL WITHOUT
)	PREJUDICE
vs.)	
)	
North Dakota State Patrol,)	
)	Case No. 1:11-cv-033
Defendant.)	

On April 11, 2011, plaintiff filed a motion for leave to proceed *in forma pauperis*. The court denied the motion in an order dated May 24, 2011. Plaintiff has not paid the requisite filing fee and this matter has now been languishing on the court's docket for approximately nine months. Consequently, the court **ORDERS** that the the above-entitled action be **DISMISSED** without prejudice for failure to prosecute. See Miller v. Benson, 51 F.3d 166, 168 (8th Cir. 1995) ("District courts have inherent power to dismiss sua sponte a case for failure to prosecute, and we review the exercise of this power is reviewed for abuse of discretion."); see also Sterling v. United States, 985 F.2d 411, 412 (8th Cir. 1993) (same); Fed. R. Civ. P. 41(b).

Dated this 27th day of January, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court